



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

July 3, 2012

Mr. Michael Kennedy, VP Finance and Operation
Flexcon Industries, Inc.
300 Pond Street
Randolph, Massachusetts 02368

RE: **CONDITIONAL APPROVAL**
Application for: BWP AQ 02
Non-Major Comprehensive Plan Application
Transmittal No.: X224518
Application No. 4P09035
Facility No.: 51843
Fee Class: SM80-7

AT: Flexcon Industries, Inc.
300 Pond Street
Randolph

Dear Mr. Kennedy:

The Department of Environmental Protection, Bureau of Waste Prevention, has reviewed Non-Major Comprehensive Plan Application (NMCPA) No. 4P09035, received by the Department on November 13, 2009. Supplemental information was received on March 17, June 8, August 2, August 23, 2011, and April 12, 2012. The application seeks Departmental approval for operations at an existing facility at Flexcon Industries, Inc. (referred to herein as "Facility") located at the address identified above.

The application was submitted as required by Administrative Consent Order ACOP-SE-09-9002-27, signed on January 29, 2009, in accordance with Section 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 "Air Pollution Control Regulations" adopted by the Department pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-E, and Chapter 21C, Section 4 and 6.

The Department's review has been limited to air pollution regulation compliance and does not relieve you of the obligation to comply with all other permitting requirements.

The application was submitted over the seal and signature of Stephen Piper, P.E. No. 36039 of M.J. Bradley & Associates, LLC.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator ("Permittee") must comply in order for the Facility to be operated in compliance with this Plan Approval.

FACILITY / PROJECT DESCRIPTION

The Permittee operates an existing manufacturing facility that produces pre-pressurized metal diaphragm tanks. Metal components are conveyed through a washer prior to spray painting – no VOCs or HAPs are used in this washing operation. Emissions are from two (2) spray booths, and include paint spray gun cleaning solution. Both spray booths are equipped with High Velocity Low Pressure (HVLP) paint spray guns and may be operated in the automated mode.

Emissions from the facility include volatile organic compounds (VOCs), hazardous air pollutants (HAPs), acetone (a non-criteria pollutant), particulate matter (PM), particulate matter less than or equal to 10 microns in diameter (PM₁₀), and particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}).

This approval allows for the use of acetone and establishes HAPs limits. There is no change to the annual VOC emission limit.

This approval supersedes past Department approvals for this facility, and establishes "facility-wide," federally enforceable emission limitations.

The Department is of the opinion that the submitted application is in conformance with current air pollution control engineering practices and hereby grants **CONDITIONAL APPROVAL** of NMCPA No. 4P09035 subject to the following descriptions, requirements, and provisions:

A. OPERATIONAL LIMITS:

1. The Permittee shall limit the use of materials containing VOCs and HAPs, in accordance with Table 1 of this Approval. Table 1 represents an alternative to the limitations when operational or production limitations on a source are not feasible due to production or materials variability. The limitations consist of emission formulas, which when implemented, preserve the practical enforceability requirement necessary in limiting a

facility's potential to emit. These emission formulas contain established emission limitations that can easily be verified. Additionally, these formulas set out the methodology by which emissions from various process materials will be determined. These formulas determine emissions in a replicable manner by relating the pollutant species and the associated emissions.

TABLE 1 – OPERATIONAL LIMITATION CALCULATIONS

$$\sum \text{Quantity (gallons)}_i \times \text{VOC Content (lb/gallon)}_i \leq \text{VOCs Emission limit}^1$$

$$\sum \text{Quantity (gallons)}_i \times \text{HAP Content (lb/gallon)}_i \leq \text{HAPs Emission limit}^{1,2}$$

Where *i* represents each individual material containing VOCs and/or HAPs

Note 1. Emission limit refers to the monthly and annual emission limits contained in Table 3 in this Approval.
 Note 2. The methodology is the same for single/individual HAP and aggregate/total HAPs.

Accordingly, the Permittee shall not exceed VOCs and HAPs material emissions as identified in Table 3 of this Approval. Compliance with the operational limitations shall be calculated in accordance with the Table 1 of this Approval.

2. The Permittee shall limit the use of acetone, as contained in the materials used in paint spray operations, in accordance with Table 2 of this Approval.

TABLE 2 – OPERATIONAL NON-CRITERIA POLLUTANT
USAGE LIMITS

Pollutant	Usage Limits	
	Tons per month	Tons per year ¹
Non-criteria (acetone)	20.0	70.0

Note: 1. Tons per year based on a consecutive 12-month period.

3. The Permittee shall maintain a minimum particulate control efficiency of 99% (by weight) for the spray booth filters.

B. PRODUCTION LIMITS:

None.

C. EMISSION LIMITS:

1. The Permittee shall limit the maximum concentration of the coatings used in the facility to 6.7 pounds of VOC per gallon of solids applied.
2. The Permittee shall limit emissions of Volatile Organic Compounds (VOCs), Single Hazardous Air Pollutant (HAP), Total HAPs, and Non-Criteria Pollutant (Acetone) from the spray paint operations, in accordance with the emission limitations contained in Table 3 of this Approval.

TABLE 3 – EMISSION LIMITS

Emission Limits ¹				
	Volatile Organic Compounds ²	Single Hazardous Air Pollutant	Total Hazardous Air Pollutants	Non-Criteria Pollutant (Acetone)
Tons/month	10.0	2.4	6.2	20
Tons/year ³	41.5	9.5	24.5	70

- Notes:
1. Emission sources include 2 paint spray booths, and paint spray gun cleaning solution.
 2. HAP(s) are as listed in the 1990 Clean Air Act Amendments Section 112(b).
 3. Tons per year based on a consecutive 12-month period.

3. The Permittee shall limit emissions of total particulate matter (PM), particulate matter less than or equal to 10 microns in diameter (PM₁₀), and particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}), each to less than 1.0 tons per year.
4. The Permittee shall take any and all measures necessary to ensure that the operation of the equipment used in the manufacturing process shall not result in visible emissions (i.e. zero percent opacity), exclusive of uncombined water vapor. These measures may include add-on pollution control equipment and/or shutdown of the equipment while corrective actions are being employed.

D. MONITORING AND RECORDKEEPING:

1. Records shall be maintained on a monthly basis and on a consecutive 12-month period basis (the total from the latest month plus the sum for the eleven months preceding the latest month). These records, including any other “credible evidence,” shall document the compliance status of the Facility regarding the conditions, provisions, and limits contained in this Conditional Approval.
2. The Permittee shall maintain monthly and annual log or spreadsheet of raw materials used. These logs or spreadsheets shall be kept in a complete and accurate fashion at all times and shall be available for Department inspections.
3. The Permittee may reconcile VOCs and HAPs contained in any hazardous waste shipped during the month when determining monthly emissions. The facility shall maintain beginning and end of year inventory records, hazardous waste disposal records, and purchase records for materials containing VOCs and HAPs such that the Department may check these for consistency with plant logs. Such records shall verify the VOC and HAP content and quantity present in the waste being shipped if reconciling monthly emissions.
4. A copy of these records must be kept readily available on-site for a period of five (5) years and shall be available to Department and/or US EPA personnel upon request.

E. NOTIFICATIONS AND REPORTING:

1. The Permittee shall notify the Southeast Regional Office of MassDEP, BWP Compliance and Enforcement Chief by telephone (508) 946-2878, email, sair@state.ma.us or fax (508) 947-6557 as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Section A. (Operational Limits) or Section C. (Emission Limits) requirements. A written report shall be submitted to Compliance and Enforcement Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).

F. SPECIAL CONDITIONS:

1. This Conditional Approval supersedes the following Department Approvals:

- a. Final Approval No. MBR-88-IND-200, dated November 15, 1988.
- b. Final Approval No. MBR-89-IND-219, dated October 6, 1989.
- c. Final Approval No. MBR-93-IND-059, dated April 22, 1994.

The above listed approvals shall be deemed null and void. The underlying applications for Approval No. MBR-88-IND-200, Approval No. MBR-89-IND-219, and Approval No. MBR-93-IND-059 shall remain valid.

2. The Permittee shall design and operate the existing paint spray booths in a manner consistent with 310 CMR 7.03(16) "Paint Spray Booths". The spray guns shall utilize an electrostatic or High Volume Low Pressure (HVLP) application method, and be maintained and operated in accordance with the recommendations of the manufacturer.

Notwithstanding the previous sentences,

a. The Permittee is not subject to the material usage limitations contained in 310 CMR 7.03(16)(a), but instead is subject to the material usage limitations contained in Section A., Operational Limits, of this Conditional Approval.

b. The Department recognizes the existing paint spray booths as meeting the criteria of an equivalent system as described in 310 CMR 7.03(16)(e).

3. The Permittee shall store and dispose of VOCs and HAPs in a manner that will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover. Proper disposal shall be in a manner consistent with all applicable regulations.

4. The Facility shall be operated in a manner to prevent the occurrence of dust or odor conditions that cause or contribute to a condition of air pollution as defined in 310 CMR 7.01 and 7.09.

G. GENERAL CONDITIONS:

The Permittee is subject to, and shall comply with, the following general conditions:

1. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).

2. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
3. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
4. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
5. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
6. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
7. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
8. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
9. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
10. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.
11. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

The Department has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Environmental Affairs, for air quality control purposes, was not required prior to this action by the Department. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and Regulations 301 CMR 11.00, Section 11.04, provide certain "Fail-safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

The enforceable conditions contained herein, establish the federally enforceable status of this **CONDITIONAL APPROVAL**. The Department reserves the right to require changes in the standard operating and/or maintenance procedures and record keeping systems, and to require additional process monitoring if it is determined necessary by the Department to ensure continuous compliance with the Air Quality Control Regulations contained in 310 CMR 7.00.

This Approval is an action of the Department; you have a limited right to appeal. Please refer to the enclosed "APPEAL" information.

Enclosed is one stamped approved copy of the application submittal.

Should you have any questions regarding this **CONDITIONAL APPROVAL**, please contact Dan Kamieniecki of this office at (508) 946-2717.

Very truly yours,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Thomas Cushing
Permit Section
Bureau of Waste Prevention

Enclosures: Attachment 1: Appeal of Approval

ecc: Randolph Dept. of Health
Randolph Fire Dept.
DEP/Boston – Y. Tian
DEP/SERO – M. Pinaud, G. Hunt, L. Black
M.J. Bradley & Associates - S. Piper (Application Preparer)

ATTACHMENT 1

APPEAL OF APPROVAL

This Approval is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts that are the grounds for the request, and the relief sought. Additionally, the request must state why the Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.